

Agenda Item No. 4.1  
For Agenda of 10.24.06



***Tigard City Council Meeting Minutes***

Date: September 26, 2006  
Time: 7:34 p.m.  
Place: Tigard City Hall, 13125 SW Hall Boulevard  
Tigard, Oregon

Attending: Mayor Craig Dirksen Presiding  
Councilor Sally Harding  
Councilor Sydney Sherwood  
Councilor Nick Wilson  
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Executive Session	At 6:30 p.m. An Executive Session was held to consult with legal counsel regarding litigation likely to be filed under ORS 192.660 (2) (h).	
Study Session	<p>At 7:00 p.m. the Study Session resumed. The Town Hall Audio /Visual System Design discussion was postponed until the October 24 Council study session.</p> <p>City Manager Prosser gave Councilors a copy of a letter from Kristin Preston who was planning to testify about the 79<sup>th</sup> Avenue Local Improvement District.</p> <p>Human Resources Director Zodrow asked Council what their objectives were for the Employee Survey. She gave Council members a memo with a few questions to facilitate discussion of the employee survey.</p> <p>Councilor Woodruff said that as a member of the governing board of this organization it was important to him to gauge employee satisfaction. He wants to hear directly what employees like as well as what their concerns are, and any suggestions they have to make things more productive. He said the staff has a lot of important opinions that he would</p>	

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	<p>like to see codified in some way.</p> <p>Councilor Harding said she concurred. She suggested that employees may be more comfortable completing an anonymous online survey. She said it would be useful to know if we have a morale problem relative to other cities.</p> <p>Councilor Wilson said there was a potential to worry more about pleasing employees than pleasing constituents, which is where he felt the focus should be.</p> <p>Councilor Woodruff said surveys can tell a lot about communication and whether or not employees are getting the information they need to do the best job. He said most organizations survey employees periodically to gauge how things are going.</p> <p>Councilor Wilson said the difference between the City and a private company is that any information gathered would be public, and has potential to be used in a political way.</p> <p>Mayor Dirksen said a survey is a good idea and would help Council gain insights into policies or processes that need to be changed. He said it might be useful to City Manager Prosser as there may be issues that he is unaware of or that are bigger issues than previously known. He said it is to be expected that some individuals will use it as an opportunity to vent. But he said there was a big difference in one or two individuals mentioning something and seventy-five individuals bringing it up.</p> <p>Councilor Sherwood suggested using a balance between multiple choice (rating) and essay type questions.</p> <p>Human Resources Director Zodrow asked the Council what their plans were as far as who would design and administer the survey. Councilor Sherwood asked if Councilor Woodruff and Human Resources Director Zodrow would be willing to work together on the survey. They agreed to do this.</p>	

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	<p>City Manager Prosser said the League of Oregon Cities is sponsoring City Hall Day on October 19, 2006, from 7-9 p.m. at Town Hall and will include King City Council. He asked Council for format suggestions.</p> <p>Mayor Dirksen suggested giving candidates a choice of which topics they want to address. City Manager Prosser asked if Council wanted a facilitator at the meeting. They indicated they did. Councilor Woodruff, Mayor Dirksen and Councilor Sherwood said they will attend. Council Harding will possibly attend; Councilor Wilson cannot.</p> <p>Tri-Met Commuter Rail Station Groundbreaking is on October 25, 2006 from 10:30-11:00 a.m.</p> <p>The October 31 Fifth Tuesday meeting is cancelled.</p> <p>There will be a dedication for the Alphabet Chair at the Library on Saturday, October 7, 2006, at 1:00 p.m. Mayor Dirksen said he would attend.</p>	
	<p>Councilor Sherwood asked if there could be a resolution for the public safety levy put on the agenda. Mayor Dirksen agreed and asked if anyone was opposed to the idea of putting it on a future Council agenda. City Manager Prosser said there was room on the October 10, 2006 agenda.</p>	
Business Meeting	<ol style="list-style-type: none"> <li>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:34 p.m.</li> <li>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</li> <li>1.3 Pledge of Allegiance</li> <li>1.4 Council Communications &amp; Liaison Reports</li> <li>1.5 Call to Council and Staff for Non-Agenda Items</li> </ol>	

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2. Citizen Communication	<p>Kristin Preston, 14955 SW 79<sup>th</sup>, Tigard, OR 97224, submitted a copy of a letter to the Council, dated September 26, 2006. She noted that Council had expressed the hope that her neighborhood would stay organized after their Local Improvement District had concluded. She said they are still very interested, as their street is rapidly being developed. They are in communication with the City's Engineering Department but they want their priorities noted in a public forum.</p> <ul style="list-style-type: none"> <li>• They do not want bike lanes on 79<sup>th</sup> Avenue. She understands that Council feels their hands are tied by the 2002 Transportation System Plan. When that group is reconvened, they request that their neighborhood be represented to review those issues.</li> <li>• They continue to oppose planter strips.</li> <li>• They want to see traffic calming methods used on SW 79<sup>th</sup> Avenue. There don't seem to be any planned.</li> </ul> <p>City Manager Prosser said he would pass along her letter and would be interested in hearing from staff on these issues.</p> <p>John Frewing, 7110 SW Lola Lane, Tigard, OR, said he raised the issue at the August Fifth Tuesday Meeting of the timeliness and amount of change in the Parks SDC fees. He hasn't heard from staff yet and would appreciate hearing from them. He said his problem is that the City is always behind in property valuation for Parks SDC fees and is not getting the right amount of money. He said the entire expense of the City Council could be covered with the amount of money collected by making timely forecasting changes. City Manager Prosser noted that it would not cover the cost of City Council or any operating cost because that is prohibited by state law.</p>	

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	<p>City Manager Prosser said he did not think the law allowed for prospective forecasts of land value but he will check on that.</p> <p>Mr. Frewing also noted that the City approved a development permit because of their failure to take final action before 120 days after completion of an application. He said Tigard Code timelines don't allow much time. His concern is that there should be, in every case, time allowed for a potential appeal. He asked that there be a directive to the Planning staff that when they are not able to satisfy the 120 day limit because of lack of information from the applicant, for example, they ask for enough time so the City's final decision can be made after an appeal and still fall within the approved time. Mayor Dirksen suggested that Council consider what Mr. Frewing said and if anyone feels it is a concern they could bring it up for a future agenda discussion.</p>											
3. CONSENT AGENDA	<p>Mayor Dirksen read the consent agenda and asked if any Councilors wanted to remove any items. He noted an earlier request to remove Consent Agenda Item No. 3.3 – Approve COLA for Management/ Supervisory/Confidential Employees – for independent discussion.</p> <p>3.1 Approve City Council Minutes: September 12, 2006</p> <p>3.2 Endorse Submittal of Two Community Development Block Grant Project Applications – Resolution No. 06-58.</p> <p>3.4 Approve Municipal Court Judge's Personal Services Agreement – Resolution No. 06-60.</p> <p>3.5 Local Contract Review Board</p> <p>a. Award Contract for Water Quality Analysis Services to Alexin Analytical Laboratories and Authorize Staff to Take the Necessary Steps to Complete and Execute the Contract</p>	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve the Consent Agenda with the removal of Item 3.3.</p> <p>The motion was approved by unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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	<p>b. Approve the Intergovernmental Agreement (IGA) for the Development of Fanno and Summer Creek Wetland Mitigation Sites Between the City of Tigard, Tri-County Metropolitan Transportation District (TriMet), and Clean Water Services (CWS), and Authorize the City Manager to Sign the IGA</p> <p>c. Approve Amendment to the 2006/07 Pavement Major Maintenance Program – Phase 1 Contract with Morse Brothers, Inc., to Add Projects</p> <p>Mayor Dirksen said there was a request from Councilor Harding to remove Item 3.3 for independent discussion. He asked if there was anything else Council wanted removed for independent discussion. There were no requests that other items be removed.</p>											
3.3 Consider a Cost Of Living Adjustment For Management/ Supervisory/ Confidential Group Employees	<p>Mayor Dirksen asked if Councilor Harding would lead the discussion as she had requested removal of the item from the consent agenda. City Manager Prosser noted that Human Resources Director Zodrow was in attendance if there were any questions.</p> <p>Councilor Harding said that although this group historically had received a cost of living adjustment it didn't need to be done that way. She noted that the unions must negotiate cost of living increases. She asked, in view of the Council's goal to stabilize the financial picture, if this was the most financially responsible way to handle the budget.</p> <p>Councilor Harding referred to local constituents and noted that some people are taking job and salary cuts. She said having job grade increases and cost of living increases was a unique situation and suggested that the budget task force look at this and see what the trends have been.</p> <p>Councilor Wilson said he considered 3.2% a modest amount and didn't think of a cost of living increase as a raise, but as an inflation adjustment. He said over</p>	<p>Councilor Sherwood moved, and Councilor Wilson seconded to approve the resolution 06-59.</p> <p>The motion was approved by a majority vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>No</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	No	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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	<p>the years the value of the money being paid employees is worth less, so it balances it out. Councilor Wilson said it might be worth a longer discussion at some point in the future.</p> <p>Councilor Woodruff said not only was this common in local jurisdictions but it has been the practice at the City for some time. He said there are 85 employees affected who are not part of a bargaining unit. He asked Councilor Harding if she was suggesting they form a bargaining unit so that Council will have to negotiate with them.</p> <p>Councilor Harding said, "No."</p> <p>Councilor Woodruff said he understands there are not always step increases and cost of living increases in the private sector but that this is the standard in the public sector.</p> <p>Councilor Wilson said he feels more constrained by the union negotiations. He said giving less to the employees over whom Council does have discretion would seem like we are punishing them. He said it may create a rift which would be counter-productive, especially when it is such a modest amount.</p> <p>Councilor Harding disagreed, saying she thought 3.2% was not a modest amount. She mentioned there have been employees who have had job reclassifications, that put them into a higher range.</p> <p>Mayor Dirksen said step increases and job reclassifications are separate issues from cost-of-living adjustments. He said wages are most of the City's budget. He said the City provides services and employees are needed to provide those services. He said he considered this matter carefully and felt this was an appropriate amount. He said keeping people's salaries adjusted for inflation is a necessary part of being competitive in the workplace.</p> <p>Councilor Woodruff said this does not represent an extra amount of money; it was in the budget that was approved. He said the Budget Committee anticipated</p>	

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	<p>the possibility of this and Council is staying within the budget if this were to pass.</p> <p>Mayor Dirksen suggested this has been a policy for many years. He said if there is a question about it, a good time to bring it up would be during the budget process where Council, as well as the citizens on the committee, can discuss whether or not a policy change is needed.</p> <p>3.3 Approve a Cost of Living Adjustment for Management/Supervisor/Confidential Group Employees effective October 1, 2006 and Amendment of the Salary Plan – Resolution No. 06-59.</p>	
<p>4 Employee Recognition: Tigard Police Public Information And Crime Prevention Officer Jim Wolf</p>	<p>Police Chief Dickinson announced that Jim Wolf received the Ken Mainwaring Award for excellence in the area of crime prevention. He noted that Mr. Wolf serves as both the Public Information Officer as well as the Crime Prevention Officer for Tigard's Police Department. He said the award is given annually by the Crime Prevention Association of Oregon and recognizes excellence in the area of crime prevention and is given to a Crime Prevention Specialist.</p> <p>Mayor Dirksen presented Jim Wolf with an award plaque and invited the Council to comment.</p> <p>Councilor Sherwood said there isn't a person in the City of Tigard who doesn't know Mr. Wolf or have kids that know him and thanked him for the work he has done in being proactive instead of reactive.</p> <p>Councilor Harding complimented Mr. Wolf on his enthusiasm. She said she recently attended a Citizen's Police Academy and noted the pride he took in his job and the care he took to answer questions to make sure everyone understood.</p> <p>Mayor Dirksen said the City of Tigard has a wonderful Police Department and he is very proud of it. He said there are excellent personnel on the force, but even among that high cadre, Jim Wolf is an exemplary employee.</p>	



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5. Consider a Resolution In Support of the Washington County Cooperative Library Services—Library Operational Levy	<p>Library Director Barnes presented factual information regarding the Washington County Cooperative Library Services Operational levy. She noted that the County Commissioners are planning to place on the November ballot a county-wide operational levy which raises 17cents per \$1,000 of assessed value.</p> <p>She said changes Tigard library patrons would see would be maintained services and restored hours with the levy passage. If it is unsuccessful, she said it would be likely that the Tigard Library would have to look at reduced hours and services.</p> <p>Councilor Woodruff asked what percentage of the Tigard Public Library's budget comes from the Cooperative Library fund. Library Director Barnes said 54% of the funding comes from the City and 46% comes from WCCLS.</p> <p>Councilor Woodruff noted that on a recent survey, the library was the top item listed on what people appreciated about the City. He said this levy would be a way to have specific funds go towards the library, which is of benefit to the City as there is more and more competition for general funds.</p> <p>Mayor Dirksen noted that he is co-chair of the political action committee for this levy and encouraged Council to support this levy.</p> <p>A Resolution In Support of the Washington County Cooperative Library Services - Library Operational Levy - Resolution No. 06-61</p>	<p>Councilor Woodruff moved and Councilor Sherwood seconded the motion. The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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6. Public Hearing (Quasi-Judicial) to Consider the Annexation of the Cach Creek Area (ZCA 2006-00002)	<p>City Attorney Ramis stated that the City of Tigard begins these hearings with the City Attorney describing the procedures used and the statement is read so that members of the public who choose to participate in the hearing have a framework for the rules used to conduct hearings.</p>	<p>Councilor Wilson moved that Council continue discussion and decision to October 10, 2006 and that the record remain open for written submissions until Tuesday, October 3, 2006 at 3:00 p.m.</p>										

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	<p>He said a copy of the rules and procedures for this hearing is available at the entrance to the hearing room. He said a copy of the staff report on this hearing has been available for viewing and downloading from the City's website and a paper copy of the staff report has been available at the Tigard Public Library for the last seven days. A copy of the Statement by City Attorney – Quasi-Judicial Land Use Hearing Procedures is on file in the City Recorder's Office.</p> <p>Mayor Dirksen opened the public hearing.</p> <p>Mayor Dirksen asked Council members if they wished to report any ex parte contact or information gained outside the hearing including site visits. There were none.</p> <p>Mayor Dirksen asked if any member of Council wished to declare an actual or potential conflict of interest. None was declared.</p> <p>Mayor Dirksen asked if all members of Council had familiarized themselves with the application. They indicated they had.</p> <p>The Mayor asked if there were any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or a challenge to the declaration of conflict or the participation of any member of Council. There was none.</p> <p>He asked for the staff report.</p> <p>Assistant Planner Eng said the City of Tigard and others request annexation of 34.82 acres into the City of Tigard. She noted that the original proposal was for 40.93 acres but as of yesterday, applicant John Noffz withdrew two parcels, equaling 6.11 acres. This has been removed from the proposal. She indicated the property vicinity on the wall map.</p> <p>Assistant Planner Eng said the proposed annexation territory includes eight parcels, six of which are publicly owned. She said the proposed territory also includes the Sunrise Lane right-of-way from SW</p>	<p>Councilor Woodruff seconded the motion. The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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	<p>127<sup>th</sup> Terrace to the northern boundary of the Dyer property.</p> <p>She noted that the proposed annexation territory is zoned Washington County R-6 and will become City of Tigard R-7 upon annexation.</p> <p>She said the City intends to use the publicly owned land for purposes of a reservoir and as park land.</p> <p>She said ORS Chapter 222 provides for annexation of contiguous territory and the proposed territory is contiguous to the City of Tigard's western boundary.</p> <p>Assistant Planner Eng said that City staff notified all affected agencies and properties. She said, regarding public comment, that 12 Bull Mountain residents responded to the Request for Public Comments. One e-mail expressed opposition. Another resident visited City Hall and noted that they opposed the annexation. The rest were general inquiries which expressed interest in annexing to the City.</p> <p>She cited ORS Chapter 222, Metro Code Chapter 3.09, City of Tigard Comprehensive Plan Policies 2 and 10, and Community Development Code Chapters 18.320 and 18.390 as applicable review criteria. She said staff reviewed the proposal for compliance with the applicable code criteria and found that the proposal meets the criteria and that staff recommends approval of ZCA 2006-00002.</p> <p>She noted for the record that the Ordinance has been revised to reflect changes from the withdrawal of two parcels and to correct a tax map error. The acreage in the ordinance has been changed from 40.93 acres to 34.82 acres. The number of parcels has changed from eleven to eight; two parcels have been withdrawn and one was a tax map error.</p> <p>Senior Planner St. Amand, 13125 SW Hall Blvd., Tigard, OR, represented the applicant, for the City of Tigard. She said Tigard City Council directed staff to initiate this annexation request. She noted that the proposal in front of Council says ten parcels but two parcels owned by Brentwood Homes were</p>	

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	<p>withdrawn yesterday. She said it should also be noted that the legal description with the staff report needs revision to accommodate that removal as well as a description due to a mapping error by the County.</p> <p>Mayor Dirksen told the audience that public testimony would now be taken. One person had signed up to speak.</p> <p>City Manager Prosser clarified that anyone would be allowed to speak whether they had signed up or not, but they would testify in the order on the sign-up sheet.</p> <p>Kinton Fowler, 16170 SW Hazeltine Lane in unincorporated Washington County said he thought everyone was aware of the Washington County Commissioners and the boundaries they set to go on the ballot. He said the City had two ways to address this issue. Going ahead with the annexation would create a lot of bitterness and would probably end up in the courts, if there's a new City of Bull Mountain. He said that would mean a lot of legal fees which come out of taxpayers' pockets in Bull Mountain and Tigard. Or, he suggested, the Council could table this item until after November 7, 2006. He said if the election to form a new city is not successful, Tigard could go ahead, only having had to wait five or six weeks. He said if the election is successful he knew the new city would like to work with Tigard, especially on the Cach Creek area. He said a collaborative project would be a good way for the cities to get off to a good start.</p> <p>Mayor Dirksen noted that no one else had signed up to speak. He asked the audience if anyone else was present who wanted to testify.</p> <p>Lisa Hamilton-Treick, 13565 SW Beef Bend Road, unincorporated area of Bull Mountain, said she supported what Mr. Fowler said. She said this was a real opportunity and hopes the Council doesn't miss it. She mentioned steps the community of Bull</p>	

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	<p>Mountain has taken to place incorporation on the ballot on November 7:</p> <ul style="list-style-type: none"> <li>• An Economic Feasibility Statement was submitted to Washington County on May 25, 2006.</li> <li>• On May 30, 2006, 776 petition signatures were submitted to Washington County. The required 10% of registered voters' signatures, from inside the proposed boundary, were verified.</li> <li>• On June 8, 2006, Washington County Board of Commissioners voted to move forward with public hearings on the proposal which were held on July 25, August 1 and August 8.</li> <li>• The Washington County Board of Commissioners voted to place incorporation before the voters within those boundaries.</li> </ul> <p>Ms. Hamilton-Treick said she had several issues:</p> <ul style="list-style-type: none"> <li>• Lack of Washington County consent for inclusion of the county road which is now the contiguous connection the City of Tigard has.</li> <li>• The proposed annexation creates islands and irregular boundaries. Tigard's Comprehensive Plan provides that annexation should prevent or eliminate pockets and islands. Annexing Sunrise Lane and moving forward with annexation would cut off three or four people who would like to be in the proposed city of Bull Mountain.</li> <li>• She said Tigard's track record on the environment and Goal 5 resource protection is very poor. The Bull Mountain Community Plan calls for more strict protection on Bull Mountain and there has been an ongoing struggle with Tigard to protect trees and natural resources. She asked, "If Tigard moves forward with the annexation of these parcels, how would it provide the highest protection of these sensitive areas?"</li> </ul> <p>Ms. Hamilton-Treick asked staff for clarification on the number of parcels.</p> <p>Assistant Planner Eng clarified that two parcels are owned by one property owner.</p> <p>Ms. Hamilton-Treick said there were competing and unresolved jurisdictional issues which must be settled through Washington County Circuit Court or</p>	

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	<p>through Land Use Board of Appeals should Tigard move ahead with this annexation.</p> <p>She said during the Washington County Public Hearing, Commissioner Schouten stated that the best way to provide for parks in the Bull Mountain area is to keep the Cach Creek nature area, Tigard's property, and the Tigard Water District property in the new city boundary, where the combined acreage may be large enough to qualify as a regional park. The area could be best served if the new city and Tigard work cooperatively together. She said there was no revenue the City of Tigard would gain by annexing these properties, nor would the new City of Bull Mountain gain revenue from it. She said if Tigard does not annex this property it keeps the proposed city's boundary regular, maintains the integrity of the process that has happened up to this point, and it requires that everyone get over this.</p> <p>She requested that, under ORS 197.763, the record remain open for a minimum of seven days to allow additional evidence, arguments or testimony.</p> <p>She gave her observations on the process whereby the City of Tigard gained consent from the Intergovernmental Water Board and Tigard Water District. She said the staff person at Washington County testified that numerous meetings were held by the Tigard Water District to discuss this and she said that was incorrect. She said there was one executive session held and no decision came out of it. She took issue with the way that process was handled.</p> <p>She said her final issue was not whether the Tigard annexation was technically legal, but rather, doing the right thing. She said Tigard was aware of the proposed Bull Mountain boundaries from the filing months ago and that the right thing is to be respectful of people and the public process and to wait. She said Tigard is not doing the right thing and legalities aside, anyone looking at this situation recognizes that.</p>	

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	<p>She said she has come before the City Council many times and it gets harder every time. She stated, "You sit here now with an opportunity to begin the healing process. If incorporation fails then, within six weeks, you can proceed with this. Is it really worth it?"</p> <p>City Manager Prosser noted for the record that Ms. Hamilton-Treick submitted a copy of a letter, dated September 26, 2006, covering her testimony. She also submitted a copy of a letter dated September 25, 2006, to Gary Pagenstecher, City of Tigard Associate Planner, regarding the withdrawal of the Brentwood property, as well as a copy of a legal opinion requested by Representative Krummel about how to deal with annexation of territory and incorporation of cities. These documents have been entered into the record.</p> <p>Councilor Woodruff noted that when the public hearings were held at Washington County, Tigard requested these properties be removed from the proposed new city's boundary. He said Tigard hoped Washington County would see the logic of having property be within the city which owned it. He asked Ms. Hamilton-Treick, "If they would have gone with what Tigard recommended, would your concerns be the same about Tigard annexing property that belongs to us?"</p> <p>Ms. Hamilton-Treick said, "The decision by the Washington County Board of Commissioners was thoughtful and in their wisdom and best judgment they felt that the boundary that they set was the best boundary. And for Tigard to step in and say, 'no, Washington County Board of Commissioners, we don't think so; we're challenging it.', seems disrespectful of the Washington County process." She said, "Let's move on... this is about control issues and nobody wins the battle over control. Let's work together."</p> <p>Mr. Leighton Walsh, property owner of 15169 and 15165 SW Sunrise Lane said that he'd been listening to things that pertain more to formalities rather than</p>	

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	<p>those who live directly or are affected by that area. He said it seemed to him that the long term contribution, since this is the City of Tigard's land, is the beautiful view that his future tenants and also the 86 homes that are being put in nearby. This will make a big difference to future children who would enjoy the park and it being part of Tigard would make a big difference.</p> <p>Mr. Walsh said he didn't understand how anyone can get to the park without it being annexed or it being contiguous. He said he is familiar with the land and very familiar with the area. He said he changed his stance from neutral to being for it. He said he knows Chris Cach and he wouldn't do anything that his father wouldn't want him to do with the property.</p> <p>Linda Rogers, 15585 SW Baker Lane, said that on a map the area in question looks like a flat piece of land but in reality, it is not. She said it is a deep wood, with lots of blackberries and ravines. She said, "It is a place where you would take your child in hand on a trail rather than a place to let them run wild." She said, "By today's standards you wouldn't let your children go there. There isn't level land to put adequate parking like at Cook Park. It is not meant for ball fields and things like that. Ms. Rogers also said, "The people of Bull Mountain, it sounds like, are different from anyone else. But because we're out there we have daily contact with the raccoons and the deer and creatures and herons. When we go farther off the hill we see they don't have a place to live and that's part of Oregon's prestige – to keep places where animals can live as naturally as possible. That is part of the conflict. As soon as we get off the hill a bit we see where it has just been bulldozed and yes, the houses are gorgeous and no one would mind living there, but we need to also protect something. That's what I see this piece of land for. It seems that big square that is now the City of Tigard's is going to be developed into, how many houses? He was saying 84. Is that right?"</p>	



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	<p>Community Development Director Coffee said the developer had basically gone back to the drawing board and the number of units could be as high as 80.</p> <p>Ms. Rogers said, "So on his two pieces of land he's going to put 80..."</p> <p>Community Development Director Coffee said, "No. The development he is talking about is on another property, not this parcel." He indicated on the map the parcel in question.</p> <p>Ms. Rogers said, "OK. So may I propose that they put in playgrounds for their children that could be closer to their houses with adult supervision and if it is buildable enough for houses then it is definitely buildable enough for playgrounds. That land was given to you as a watershed, for the animals."</p> <p>She said these people have the available money and the City has the planning criteria. She asked, "You can require them to do this? Yes or no? Put in parks in their own land? Their land is only for houses?"</p> <p>Mayor Dirksen said that it was.</p> <p>Ms. Rogers said that was a shame and asked if a certain amount of land had to be allowed for drainage. She referred to empty lots with fenced off areas with wildlife habitat signs on them. She said the only wildlife living there were stray dogs and cats and a few crickets. So if they have to put them all together... Other cities do it."</p> <p>Councilor Wilson said. "This proceeding is really not about that. It's about..."</p> <p>Ms. Rogers said, "Right. It's talking about this piece of land and goodwill and the development of it."</p> <p>Councilor Wilson said the proceeding was about whether it comes into the City of Tigard or not.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Ms. Rogers said, "Six weeks definitely would be a harmless wait and it won't change much. It will still be your land."</p> <p>Mr. Leighton Walsh asked to speak again. He asked, "Was I misinformed? The land owned by Tigard is going to continue to be the same park that it is and will be for its entirety?"</p> <p>Mayor Dirksen said it was the City's intent to make it a park. He said they were not going to put houses or ball fields on it.</p> <p>Mr. Walsh asked if, in the event portions were made into a park, it would be up to code so that kids could play there. He said, "We're talking about annexing the existing property that the City owns that it currently plans to not develop and continue to do exactly what it's doing - just sitting there and having the raccoons live there."</p> <p>Mayor Dirksen said, "We'd have to discuss what we would want to do with it in terms of what kind of improvement we may want to do to it to make it usable for people as a park. There is no intent to put houses on it. There is no intent to make it baseball fields or soccer fields or anything like that. The intent is for it to be a nature park."</p> <p>City Manager Prosser noted that on the Cach property - the two parcels on Sunrise Lane - there will be an additional water reservoir. He said the terms of the sale say that the balance of the property must be used for park purposes. He said for the Tigard and Intergovernmental Water Board land no change from current use other than that reservoir is planned.</p> <p>Mayor Dirksen said he thought the intent was to bury the reservoir so there would still be land that could be used for a park.</p> <p>Mayor Dirksen asked if there was anyone else wishing to speak.</p>	

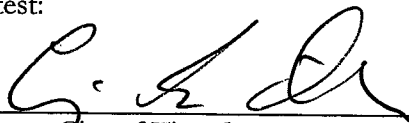
Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>City Manager Prosser stated for the record that Mr. Dick Franzke left five copies of a letter. Mr. Prosser provided four copies to the Council to read and entered one into the record.</p> <p>Mayor Dirksen asked if the applicant wanted to make a final rebuttal. Senior Planner St. Amand said she did not.</p> <p>Mayor Dirksen asked for a staff recommendation.</p> <p>City Attorney Ramis said he had a procedural suggestion. He noted there had been a request that the record be left open for seven days for written submissions. He said the City should honor that request per the statute. He said the oral portion of the testimony could be closed but asked that the record remain open for seven days for written submissions.</p> <p>Mayor Dirksen said that is what he was going to recommend because several pieces of written communication had been received during the meeting and he wanted an opportunity to review those before making a decision. He asked the Council if they concurred. The Council indicated agreement.</p> <p>Mayor Dirksen asked the staff for their recommendation.</p> <p>Associate Planner Eng said staff recommends approval of ZCA 2006-00002 and adoption of the Ordinance.</p> <p>Mayor Dirksen closed the public hearing with the provision that the record on this item will remain open for seven days.</p> <p>Mayor Dirksen asked Council whether they wanted to make any comments or discuss or prefer to wait until continuation. There were no comments.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	City Manager Prosser clarified the date and time of the closure of the public record. He stated that it will remain open for seven days, until Tuesday, October 3, 2006 at 3:00 p.m.	
ADJOURNMENT (The Tigard City Center Development Agency Meeting follows.)	City Council meeting adjourned at 8:55 p.m.	<p>Motion by Councilor Sherwood, seconded by Councilor Wilson, to adjourn the business meeting and convene the City Center Development Agency meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Wilson      Yes  Councilor Woodruff    Yes</p>
<b>CITY CENTER DEVELOPMENT AGENCY (CCDA) MEETING</b>	<p>CCDA Chair Dirksen said CCDA Board Members would be considering approval of the Tigard Downtown Streetscape Plan. He asked staff for their report.</p> <p>Development Director Coffee noted that the Council/CCDA had seen the document before and it was reviewed at the Council's last Workshop Meeting. He said their sense was that Council/CCDA was enthusiastic about it and they are seeking formal adoption of the plan.</p> <p>Board Member Sherwood said she was excited to see the plan get to this point. Community Development Director Coffee said the plan will seem very real when Burnham Street improvements begin.</p> <p>Board Member Harding thanked the staff for their extra effort, noting that there had been a lot of change in the Community Development Department and she said they'd done a good job making a timeline and outline for everyone to see.</p> <p>Chair Dirksen thanked the staff and also the members of the citizen Streetscape Design Group</p>	<p>CCDA Board Member Harding moved, and Board Member Wilson seconded to approve CCDA Ordinance 06-02</p> <p>The motion was approved by a unanimous vote of CCDA Board Members present.</p> <p>Chair Dirksen        Yes  Board Mem. Harding   Yes  Board Mem. Sherwood   Yes  Board Mem. Wilson     Yes  Board Mem. Woodruff   Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	that worked with staff and the consultant to come up with the design and proposal.  06-02 Consider a Resolution Adopting the Tigard Downtown Streetscape Design Plan	
ADJOURNMENT	The meeting was adjourned at 9:02 p.m.	<p>Motion by CCDA Board Member Sherwood, seconded by Board Member Harding, to adjourn the City Center Development Agency meeting.</p> <p>The motion was approved by a unanimous vote of CCDA Board Members present.</p> <p> Chair Dirksen            Yes  Board Mem. Harding    Yes  Board Mem. Sherwood   Yes  Board Mem. Wilson      Yes  Board Mem. Woodruff    Yes </p>

Attest:

  
Carol A. Krager, Deputy City Recorder

  
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Mayor, City of Tigard  
Date: Oct 24, 2006